

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ROY J. LeFEVRE and ROSALIND T.
11 LeFEVRE, husband and wife; and
12 JAMES L. OLSON and LAURIE J. V.
13 OLSON, husband and wife,

14 Plaintiff,

15 v.

16 CBS CORPORATION, et al.,

17 Defendant.

18 CASE NO. 13-cv-5058 RBL

19 ORDER ON PLAINTIFFS' MOTION
20 TO COMPEL AND DEFENDANT'S
21 MOTION FOR PROTECTIVE
22 ORDER

23 [Dkt. #s 106 & 109]

24 THIS MATTER is before the Court on plaintiffs Roy & Rosalind LeFevre's and James & Laurie Olson's Motion to Compel Discovery [Dkt. #106] and defendant General Electric Company's Motion for a Protective Order [Dkt. #109]. Plaintiffs move this Court to order GE to meaningfully respond to plaintiffs' interrogatories and to produce requested documents including engineering drawings for the ten vessels at issue within 10 days. [Dkt. #106]. GE objects to these requests as overly broad, unreasonably burdensome, and not reasonably tailored to the issues of the case. It asks the Court to enter a protective order that would allow plaintiffs to access the turbine drawings at the Company's repository in Schenectady, New York and require plaintiffs to sign a confidentiality agreement before plaintiffs are allowed to inspect and copy

1 these documents. [Dkt. #109]. It points out that this is the manner in which similar drawings
2 have been produced in prior cases.

3 Fed. R. Civ. P. 26, governing the scope of permissible discovery, provides that a “court
4 may order discovery of any matter relevant to the subject matter involved in the action” and that
5 “[r]elevant information need not be admissible at the trial if the discovery appears reasonably
6 calculated to lead to the discovery of admissible evidence.” Plaintiffs’ requests are not overly
7 broad, unreasonably burdensome, and **are** reasonably tailored to the issues of the case as they are
8 specifically narrowed to the ten vessels at issue. Thus, GE must meaningfully respond to
9 Plaintiffs’ Interrogatories and RFPs within ten days.

10 While GE may answer an interrogatory by making the records available for inspection, it
11 must specify “in specific detail to permit the interrogating party to locate and identify … the
12 records from which the answer may be obtained.” *Rainbow Pioneer No. 44-18-04A v. Hawaii-*
13 *Nevada Inv. Corp.*, 711 F.2d 902, 906 (9th Cir. 1983). Contrary to GE’s assertion that it has
14 fully complied with its discovery obligations under Fed. R. Civ. P. 33(d), a blanket objection
15 referencing GE’s drawing system in Schenectady is not sufficient detail to fully comply with
16 Rule 33. [Dkt. #110-1 at 50]. Thus, in order to fully comply with its discovery obligations, GE
17 must do more than simply make the records available for inspection, but must adequately specify
18 in specific detail which records respond to which Interrogatories and RFPs so that plaintiffs are
19 able to locate and identify all responsive records during their inspection in Schenectady.

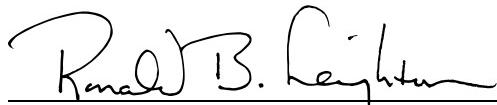
20 Finally, “it is well-established that the fruits of pre-trial discovery are, in the absence of a
21 court order to the contrary, presumptively public.” *Phillips ex rel. Estates of Byrd v. General*
22 *Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir. 2002). However, “Rule 26(c) authorizes a district
23 court to override this presumption where ‘good cause’ is shown.” *Id.* Specifically, “the court
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1 may, for good cause, issue an order to protect a party or person from annoyance, embarrassment,
2 oppression, or undue burden or expense, including ... requiring that a trade secret or other
3 confidential research, development, or commercial information not be revealed or be revealed
4 only in a specified way." Fed. R. Civ. P. 26(c)(1)(G). Here, GE has shown good cause because it
5 has described in sufficient detail the highly proprietary nature of the engineering drawings,
6 which include "confidential technical information, competitively sensitive business information,
7 and other confidential research, development, technical, or commercial information." [Dkt. #115
8 at 8]. Thus, a protective order that requires this information to be reviewed in the manner
9 proposed by GE addresses GE's concern for confidentiality while allowing plaintiffs a means to
10 review the turbine drawings in a reasonable manner.

11 Plaintiffs' Motion to Compel more meaningful responses to interrogatories and RFPs
12 [Dkt. #106] is GRANTED. GE must answer interrogatories and RFPs in specific detail so that
13 plaintiffs can locate and identify the records from which answers can be obtained during their
14 inspection at GE's repository in Schenectady. Defendant GE's Motion for a Protective Order
15 [Dkt. #109] requiring plaintiffs' to sign a confidentiality agreement prior to inspecting and
16 copying documents is GRANTED.

17 IT IS SO ORDERED.

18 Dated this 25th day of July, 2013.

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20 Ronald B. Leighton

21 RONALD B. LEIGHTON
22 UNITED STATES DISTRICT JUDGE
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